

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CREDIT DONE RIGHT, INC.,

Plaintiff,

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**AMERICAN PACIFIC MORTGAGE
CORPORATION d/b/a ALIGNED
MORTGAGE,**

Defendant.

CIVIL ACTION NO. 5:23-cv-1556

NOTICE OF REMOVAL

Defendant American Pacific Mortgage Corporation d/b/a Aligned Mortgage (“Defendant”)

hereby removes Cause No. 2023CI21503, styled *Credit Done Right, Inc. v. American Pacific Mortgage Corporation d/b/a Aligned Mortgage*, from the 285th Judicial District Court of Bexar County, Texas to this Court pursuant to and in accordance with 28 U.S.C. § 1441. As grounds for this removal, Defendant states as follows:

FACTS

1. Removing party is the defendant in this action.
2. On October 3, 2023, Plaintiff, Credit Done Right, Inc., (“Plaintiff” or “CDR”) filed suit against Defendant in the 285th Judicial District Court of Bexar County, Texas, and that suit is pending in that court. *See Plaintiff’s Original Petition at Exhibit 2.*
3. Defendant was served with a copy of citation and Plaintiff’s Original Petition by service upon its registered agent on November 30, 2023. Pursuant to 28 U.S.C. § 1446(b)(1), this removal is filed within thirty (30) days after service of process on Defendant.

BASIS FOR REMOVAL

4. Pursuant to 28 U.S.C.A. Section 1441(b), this civil action is removable on the basis of this court's jurisdiction under 28 U.S.C.A. Section 1332(a) (diversity of citizenship). The parties have a complete diversity of citizenship and the amount in controversy is over \$75,000.

5. The amount in controversy, exclusive of interest and costs, is \$88,000. *See ¶¶ 11, 13, and 16, and the Conclusion of Plaintiff's Original Petition at Exhibit 2*, which is incorporated herein for all purposes.

6. Plaintiff is a citizen and resident of the State of Texas. *See ¶ 2 of Plaintiff's Original Petition at Exhibit 2*, in which Plaintiff alleges that it is a Texas Corporation registered to do business and is doing business in Texas. Further, per Plaintiff's website, its sole business address is 8940 Fourwinds Dr., Suite #201, Windcrest, TX 78239.

7. Defendant is a citizen and resident of the State of California. *See 28 U.S.C.A. § 1332(c)(1)*. Defendant is incorporated in the State of California. In addition, Defendant's high-level officers direct, control, and coordinate Defendant's corporate activities from an office in Roseville, Placer County, California.

8. This Court is the appropriate venue for purposes of removal under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

9. No previous removal of this cause has been attempted or effected.

PARTIES AND COUNSEL

10. The parties and their counsel are as follows:

Credit Done Right, Inc. <i>Plaintiff in Removed Case</i>	Kevin S. Wiley, Jr. Texas Bar No. 24029902 THE WILEY LAW GROUP PLLC 325 N. St. Paul St., Suite 4400 Dallas, Texas 75201 (469) 619-5721 – telephone (469) 619-5725 – fax Email: kevinwiley@lkswjr.com
American Pacific Mortgage Corporation d/b/a Aligned Mortgage <i>Defendant in Removed Case</i>	Kenneth H. Holt Texas Bar No. 00793012 FERGUSON BRASWELL FRASER KUBASTA PC 3200 Southwest Freeway, Suite 3200 Houston, Texas 77027 (713) 403-4200 – telephone (713) 403-4201 – fax Email: kholt@fbfk.law

PAPERS FROM REMOVED ACTION

11. As required by 28 U.S.C. § 1446(a), a copy of all pleadings that assert causes of action, all answers to such pleadings and a copy of all process and orders served upon Defendant are attached to this notice as Exhibits 1-4.

JURY TRIAL

12. A demand for jury trial has not been made.

NOTICE OF FILING OF REMOVAL

13. Promptly after the filing hereof, the undersigned shall file a copy of this notice with the District Clerk of Bexar County, Texas and electronically serve the adverse parties through their counsel of record.

CONCLUSION

WHEREFORE, Defendant American Pacific Mortgage Corporation d/b/a Aligned Mortgage respectfully requests that this action be removed from the 285th Judicial District Court of Bexar County, Texas, Cause No. 2023CI21503, to the United States District Court for the Western District of Texas, San Antonio Division.

Dated: December 27, 2023

Respectfully submitted,

/s/ Kenneth H. Holt _____

Kenneth H. Holt
Texas Bar No. 00793012
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on December 27, 2023, a true and correct copy of the foregoing document was delivered to all parties/attorneys of record via E-File of Texas as follows:

Kevin S. Wiley, Jr.
kevinwiley@lkswjr.com
THE WILEY LAW GROUP PLLC
325 N. St. Paul St., Suite 4400
Dallas, Texas 75201
Attorney for Plaintiff

/s/ Kenneth H. Holt
Kenneth H. Holt